

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD E. KAPLAN,

Plaintiff,

v.

FIRST HARTFORD CORPORATION,

Defendant.

C.A. No. 04-10402-NMG

C.A. No. 05-10320-NMG

PLAINTIFF RICHARD E. KAPLAN'S MOTION TO COMPEL DEPOSITIONS

The plaintiff Richard E. Kaplan hereby moves the Court to compel the defendant First Hartford Corporation to produce witnesses for deposition in these consolidated cases.

At the Final Pretrial Conference in these consolidated cases, held on April 6, 2006, the Court consolidated a third proxy fraud case between the same parties with these cases, and allowed the plaintiff to serve the defendant with a request for the production of documents and to take three depositions in the third case prior to the trial of these actions, which the Court then set for May 1, 2006.

The Court set a deadline for the defendant's production of documents of April 21, 2006, and also made reference to completing all discovery in the third case by April 21, with the caveat to all counsel to avoid any discovery disputes by cooperating to get the cases ready for trial by May 1. The plaintiff timely served its request for production of documents, and determined to schedule the depositions allowed by the Court for dates after the production of documents but well before the commencement of the trial, and noticed the depositions for April 25 and 26.

Rather than cooperate with the plaintiff, the defendant has rigidly insisted on completing the depositions by April 21, and has yet to produce any of the documents requested by the plaintiff on April 13. Accordingly, this Motion to Compel is necessary, and should be allowed to enable the orderly completion of the discovery allowed by the Court and needed by the plaintiff to prepare for the trial of these cases.

Respectfully submitted,

RICHARD E. KAPLAN,
Plaintiff,

By his attorneys,

/s/ Larry C. Kenna

Larry C. Kenna (BBO No. 267760)
Robert Rothberg (BBO No. 430980)
CHOATE, HALL & STEWART LLP
Two International Place
Boston, Massachusetts 02110
(617) 248-5000

Dated: April 19, 2006

4072137v1